

**17521. Adulteration and misbranding of feed. U. S. v. Milam-Morgan Co. (Ltd.). Plea of guilty. Fine, \$250 and costs. (F. & D. No. 23746. I. S. Nos. 02235, 02236, 02237, 02238, 02239, 02300.)**

Samples of feed from the herein-described interstate shipments having been found to be adulterated by the addition of undeclared ingredients, namely, cottonseed hulls, rice hulls, peanut hulls, ground grain sorghum, brewers' dried grains or ground kafir corn, as the case might be, certain portions thereof having been found to contain less protein or fat or more fiber than labeled, and a portion having been found to contain no corn gluten feed which was declared on the label, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Louisiana.

On August 12, 1929, the United States attorney filed in the District Court of the United States for said district an information against the Milam-Morgan Co. (Ltd.), a corporation, New Orleans, La., alleging shipment by said company in violation of the food and drugs act, in various consignments on or about June 30, July 21, August 11, August 18, and October 27, 1928, respectively, from the State of Louisiana into the State of Florida, of quantities of feed which was adulterated and misbranded. The article was labeled in part variously: (Tags) "Red Mule Horse and Mule Feed Manufactured for E. E. Freeman Co., Inc., Tampa, Florida;" "Diamond 'M' Dairy Feed Manufactured for E. E. Freeman Co., Inc., Tampa, Florida;" "Besmaid Dairy Feed Manufactured by Milam-Morgan Co., Ltd., New Orleans, La.;" "Grade A, 24% Protein Dairy Feed Manufactured for P. C. Martino & Co., Tampa, Florida;" "Mo Mylk Dairy Feed Manufactured for P. C. Martino & Co., Tampa, Florida;" "Grade No. 1 24% Protein Dairy Feed Manufactured for P. C. Martino & Company, Tampa, Florida." The tags bore statements relative to the ingredients as hereinafter set forth.

It was alleged in the information that the article was adulterated for the reason that undeclared ingredients, namely, cottonseed hulls, rice hulls, peanut hulls, ground grain sorghum, brewers' dried grains or ground kafir corn as the case might be, had been mixed and packed with the article, so as to reduce and lower and injuriously affect its quality and strength, and for the further reasons, namely: Red Mule horse and mule feed, a feed containing cottonseed hulls and less than 10 per cent of protein, had been substituted for the article; Diamond "M" dairy feed, a feed containing rice hulls and peanut hulls, and containing more than 12 per cent of fiber, had been substituted for the article; Besmaid dairy feed, a feed containing ground grain sorghum and ground peanut hulls and more than 12 per cent of fiber, had been substituted for the article; Grade A 24% protein dairy feed, a feed containing brewers' dried grains, rice hulls, and peanut hulls and no corn gluten feed and less than 24 per cent of protein and less than 5 per cent of fat, had been substituted for the article; Mo Mylk dairy feed, a feed containing peanut hulls, ground kafir corn, and less than 4 per cent of fat and more than 12 per cent of fiber, had been substituted for the article; Grade No. 1 24% protein dairy feed, a feed containing brewers' dried grains and less than 5 per cent of fat and less than 24 per cent of protein, had been substituted for the article.

Misbranding was alleged for the reason that certain statements borne on the labels were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser as follows: The Red Mule horse and mule feed was labeled, "Ingredients: Cracked Corn, Crushed Oats, Alfalfa Meal, Sugar Cane, Molasses,  $\frac{1}{2}$  of 1% Salt, Guaranteed Analysis \* \* \* Protein 10.00%," whereas it was composed in part of cottonseed hulls and contained less than 10 per cent of protein. The Diamond "M" dairy feed was labeled, "Ingredients: Cottonseed Meal, Corn Meal, Brewers Grains, Wheat Shorts, Alfalfa Meal, Cane Molasses and Salt, Wheat Bran, Guaranteed Analysis \* \* \* Fibre 12.00%," whereas it was composed in part of rice hulls and peanut hulls, and contained more than 12 per cent of fiber. The Besmaid dairy feed was labeled, "Ingredients: Cottonseed Meal, Corn Meal, Brewers' Grains, Wheat Shorts, Wheat Bran, Alfalfa Meal, Cane Molasses and Salt, Guaranteed Analysis \* \* \* Fiber 12.00%," whereas it was composed in part of ground grain sorghum and ground peanut hulls and contained more than 12 per cent of fiber. The Grade A 24% protein dairy feed was labeled, "24% Protein Dairy Feed \* \* \* Ingredients: Corn Gluten Feed, Linseed Oil Meal \* \* \* Dried Beet Pulp, Corn Feed Meal, Wheat Bran, Grey Shorts, Cottonseed Meal, Molasses and 1% Salt, Guaranteed Analysis, Fat 5.00%, Protein 24.00%," whereas it was composed in part of brewers' dried grains, rice hulls, and peanut hulls, contained no

corn gluten feed, less than 24 per cent of protein, and less than 5 per cent of fat. The Mo Mylk dairy feed was labeled, "Guaranteed Analysis: Fat 4.00% \* \* \* Fibre 12.00%, Ingredients: Cottonseed Meal, Corn Meal, Brewers Grains, Wheat Shorts, Alfalfa Meal, and Salt, Cane Molasses, Wheat Bran," whereas it was composed in part of ground kafir corn and peanut hulls, and contained less than 4 per cent of fat and more than 12 per cent of fiber. The Grade No. 1 24% Protein dairy feed was labeled, "24% Protein Dairy Feed \* \* \* Ingredients: Corn Gluten Feed, Linseed Oil Meal \* \* \* Dried Beet Pulp, Corn Feed Meal, Wheat Bran, Grey Shorts, Cottonseed Meal, Molasses and 1% Salt, Guaranteed Analysis: Fat 5.00%, Protein 24.00%," whereas it was composed in part of brewers' dried grains and contained less than 24 per cent of protein and less than 5 per cent of fat.

On May 9, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17522. Adulteration and misbranding of butter. U. S. v. 6 Tubs, et al., of Butter. Decrees of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. Nos. 24885, 24887. I. S. Nos. 027438, 027440. S. Nos. 3199, 3202.)**

Samples of butter from the herein-described interstate shipments having been found low in milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On June 12, and June 13, 1930, respectively, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 6 tubs and 52 boxes of butter, remaining in the original unbroken packages at Boston, Mass., consigned in two lots, on or about May 21, and May 28, 1930, respectively, alleging that the article had been shipped by the West River Creamery, South Londonderry, Vt., and had been transported from the State of Vermont into the State of Massachusetts, and charging adulteration with respect to a portion, and adulteration and misbranding with respect to the remainder, in violation of the food and drugs act. A portion of the article consisted of print butter labled in part: (Wrapper) "West River Creamery Co. South Londonderry, Vermont;" (wooden box) "Fancy Creamery Butter."

It was alleged in the libels that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter contain not less than 80 per cent by weight of milk fat.

Misbranding was alleged with respect to the print butter for the reason that it was labeled, "Butter," which was false and misleading, since it contained less than 80 per cent by weight of milk fat.

On June 23, and June 25, 1930, respectively, the West River Creamery Co., South Londonderry, Vt., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of collateral in the amount of \$850, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17523. Adulteration and misbranding of beef scrap and bone. U. S. v. 30 Bags of Beef Scrap and Bone. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24706. I. S. No. 012425. S. No. 3046.)**

Samples of beef scrap and bone from the herein-described interstate shipment having been found to contain less than 55 per cent of protein, the amount declared on the label, the Secretary of Agriculture reported the facts to the United States attorney for the District of Maryland.

On April 5, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 bags of beef scrap and bone, remaining in the original unbroken packages at Denton, Md., alleging that the article had been shipped by the Independent Manufacturing Co., from Philadelphia, Pa., on or about March 3, 1930, and transported from the State of Pennsylvania into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "From Independ-